

COMMONWEALTH OF MASSACHUSETTS

DISTRICT COURT

UNITED STATES DISTRICT COURT

CIVIL ACTION NO.: 04 CV 10632 MEL

MARY B. SMITH,

Plaintiff

vs.

DAVID C. NICHOLSON, TRUSTEE)

OF THE D.J.J. REALTY TRUST,

DOMINIC M. SAWICKI,

TRUSTEE OF THE DOMINIC M.

SAWICKI NOMINEE TRUST,

AND CAROL ANN WHITNEY

AND GLENN WHITNEY,

Defendants

**DEFENDANT, DAVID C. NICHOLSON, TRUSTEE OF THE D.J.J. REALTY TRUST,  
OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL AND ORDER DISCOVERY**

The defendant opposes the plaintiff's motion to compel and as grounds therefore states that the materials sought are protected as work product and the disclosure relied upon in the plaintiff's motion to compel was partial and inadvertent. Therefore, only to the extent that privileged documents have been produced is the privilege waived.

In further support of this opposition, the defendant attaches a memorandum hereto.

/s/ John F. Gleavy

Stephen M.A. Woodworth, BBO 534 330

John F. Gleavy, BBO 636 888

Attorney for Defendant

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

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John F. Gleavy

Dated: January 24, 2006